

CAUSE NO. 2020DCV2230

EL PASO MEMORIALS, INC., a Texas Corporation	§	IN THE DISTRICT COURT
	§	
	§	
VS.	§	120 <sup>TH</sup> JUDICIAL DISTRICT
	§	
VAL-ELIZ CHILDREN'S TRUST UNDER AGREEMENT DATED FEBRUARY 1, 2006, ET AL.	§	
	§	
	§	EL PASO COUNTY, TEXAS

**ORDER GRANTING SUMMARY JUDGMENT IN FAVOR OF  
DEFENDANT MJ REAL PROPERTIES, INC. AND AGAINST PLAINTIFF**

On April 15, 2021, a hearing was held by submission on Defendant MJ Real Properties, Inc.'s ("Defendant" or "MJ") Motion for Summary Judgment against Plaintiff El Paso Memorials, Inc.

After reviewing the Motion, Response, Reply, evidence and the pleadings, the Court is of the opinion that Defendant's Motion for Summary Judgment should be granted.

It is ORDERED AS FOLLOWS:

1. Defendant MJ Real Properties, Inc. is the owner of the property described as Tract 3-A-30, Section 26, Block 79, Township 2, Texas and Pacific Railway Company Surveys, in El Paso County, Texas, and Tract 3-E, Section 26, Block 79, Township 2, Texas and Pacific Railway Company Surveys, in El Paso County, Texas, more particularly described in the Substitute Trustee's Deed recorded as Document # 20200042737 attached hereto as **Exhibit A**, hereinafter called "the Property".

2. The foreclosure sale on June 2, 2020 was valid and effective to vest fee simple title to the Property in Defendant MJ Real Properties, Inc.

3. Defendant is entitled to recover title to, and immediate possession of, the Property as against all others.

4. Title to the Property is quieted in MJ Real Properties, Inc. against all claims or demands of Plaintiff and/or any of Plaintiff's heirs, successors or assigns, and any person or entity claiming by, through or under them to any estate, right, title, lien, or interest in the Property.

5. Any and all claims of Plaintiff against Defendant MJ Real Properties, Inc. and/or the Property are denied.

6. All costs of court expended or incurred in this cause are taxed against Plaintiff. All writs and processes for the enforcement and collection of this judgment or costs of court may issue as necessary. Without implied limitation, Defendant MJ Real Properties, Inc. is entitled to a writ of possession of the Property pursuant to Rule 804, Texas Rules of Civil Procedure against any and all parties currently in possession.

7. All relief not expressly granted is denied.

SIGNED: April 23, 2021.

  
\_\_\_\_\_  
JUDGE MARIA SALAS MENDOZA

**APPROVED AS TO FORM AND SUBSTANCE:**

/s/ Fred R. Jones

Fred R. Jones

State Bar No. 10886700

[jones@goodelaw.com](mailto:jones@goodelaw.com)

Michael R. Hedges

State Bar No. 09370200

[hedges@goodelaw.com](mailto:hedges@goodelaw.com)

GOODE CASSEB JONES

RIKLIN CHOATE & WATSON, P.C.

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San Antonio, Texas 78212

(210) 733-6030

(210) 733-0330 – Fax

ATTORNEYS FOR DEFENDANT

MJ REAL PROPERTIES, INC.

**APPROVED AS TO FORM ONLY:**

Don Minton

State Bar No. 24004817

[don@mintonlawpc.com](mailto:don@mintonlawpc.com)

MINTON LAW FIRM PC

908 La Cabana

El Paso, Texas 79912

(915) 317-8447

(409) 750-7616 – Fax

ATTORNEYS FOR PLAINTIFF

# **EXHIBIT A**

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE THIS IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

**SUBSTITUTE TRUSTEE'S DEED**

STATE OF TEXAS                    )  
  )       KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF EL PASO            )

**WHEREAS**, by a certain Deed of Trust, Security Agreement, Assignment of Rents, Fixture Filing and Financing Statement dated May 30, 2018, and recorded under File No. 20180043800, Real Property Records of El Paso County, Texas, to Steve Anderson for the benefit of MJ Real Properties, Inc. (the "Deed of Trust"), Dawn Star Blazer, Successor Trustee for the Val-Eliz Children's Trust under Trust Agreement dated December 13, 2006 (collectively, the "Grantor") conveyed to the Trustee therein named, certain property hereinafter described for the purpose of securing and enforcing payment of a Promissory Note in the original principal amount of \$400,000.00 executed by the Grantor and payable to MJ Real Properties, Inc. (the "Note");

**WHEREAS**, MJ Real Properties, Inc., the current holder of the said Note and the Deed of Trust securing payment of same, requested the undersigned Substitute Trustee to enforce the Deed of Trust, after Grantor defaulted under the terms of the said Deed of Trust; and

**WHEREAS**, I as Substitute Trustee, did, on June 2, 2020, after having posted written notice of the time, place and terms of the public sale of the hereinafter described property, which written notice was posted at the Courthouse door of El Paso County, Texas, the county in which said real estate is situated, and which said notice was posted for at least twenty-one (21) days preceding the date of the sale, sell the hereinafter described property at public venue at the south entrance of El Paso County Courthouse, El Paso County, Texas (that being the area designated by the Commissioner's Court of El Paso County, Texas) to MJ Real Properties, Inc., that being the highest bidder for the sum of \$375,000.00; and

**WHEREAS**, from the Affidavit hereto attached and made a part hereof, it appears that the beneficiary, Clyde A. Pine, Jr., served notice of such Substitute Trustee's sale by certified mail at least twenty-one (21) days preceding the date of sale on each Debtor/Debtors obligated to pay such indebtedness according to the records of the beneficiary and filed a Notice of such Substitute Trustee's Sale with the County Clerk of El Paso County, Texas, at least twenty-one (21) days preceding the day of sale as required by law; and

**WHEREAS**, all prerequisites required by law and/or by said Deed of Trust have been duly satisfied by the beneficiary therein and by said Substitute Trustee;

TRUE AND CORRECT COPY OF THE ORIGINAL  
EL PASO COUNTY TEXAS  
DELA BRIONES, COUNTY CLERK





**NOW, THEREFORE**, in consideration of the premises and of the credit against the Note from Dawn Star Blazer, Successor Trustee for the Val-Eliz Children's Trust under Trust Agreement dated December 13, 2006 in the amount of \$400,000.00, I, as Substitute Trustee, by virtue of the authority conferred upon me in the said Deed of Trust, have granted, sold and conveyed and by these presents do grant, sell and convey unto the said MJ Real Properties, Inc. (the "Grantee"), and its successors and assigns, all of the following described properties situated in El Paso County, Texas:

Parcel 1: Tract 3-A-30, Section 26, Block 79, Township 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, in El Paso County, Texas, according to a resurvey made for tax purposes, said tract being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof for all purposes intended; and

Parcel 2: Tract 3-E, Section 26, Block 79, Township 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, in El Paso County, Texas according to a resurvey made for tax purposes, said tract being more particularly described by metes and bounds in Exhibit "B" attached hereto and made a part hereof for all purposes intended, municipally known as 13441 & 13451 Montana Avenue, Socorro, Texas 79938,

including such other property, real and personal, that may be covered by or otherwise described in the Deed of Trust.

**TO HAVE AND TO HOLD** the above-described premises and property together with the rights, privileges and appurtenances thereto belonging unto the said Grantee and its successors and assigns forever, and I, as Substitute Trustee, do hereby bind the said Grantor and their heirs, successors and assigns to warrant and forever defend the said premises unto the said Grantee and its successors and assigns forever against the claim or claims of all persons whomsoever lawfully claiming or to claim the same or any part thereof.

**This conveyance is made on an AS IS basis and with no warranty of any kind except as set forth above, and is subject to any and all liens, easements, restrictions, reservations, covenants, prescriptive, leases, licenses, claims, interests, rights, rights of way, taxes, rights of parties in possession, recorded instruments, and all other matters, whether of record or apparent.**

TRUE AND CORRECT COPY OF THE JUDICIAL RECORD  
EL PASO COUNTY TEXAS  
DELIA BRIONES, COUNTY CLERK

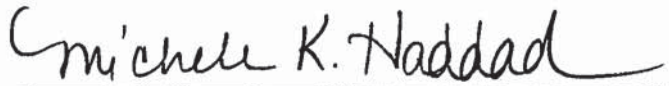


EXECUTED as of the 2nd day of June, 2020.

  
CLYDE A. PINE, JR., Substitute Trustee

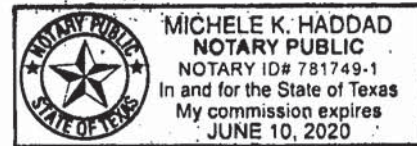
STATE OF TEXAS       )  
                                  )  
COUNTY OF EL PASO    )

This instrument was acknowledged before me on the 2nd day of June, 2020, by Clyde A. Pine, Jr., Substitute Trustee.

  
Notary Public in and for the State of Texas

**AFTER RECORDING, RETURN TO:**

Clyde A. Pine, Jr.  
Mounce, Green, Myers, Safi, Paxson & Galatzan  
P.O. Drawer 1977  
El Paso, Texas 79950-1977



TRUE AND CORRECT COPY OF THE ORIGINAL  
EL PASO COUNTY TEXAS  
  
DELIA BRIONES COUNT

Exh "A"

L16-1318

## PROPERTY DESCRIPTION

POOR QUALITY COPY  
BEST AVAILABLE FILM

BEING the description of a parcel of land lying in and being a portion of Section 26, Block 79, Township 2, Texas and Pacific Railway Survey, El Paso County, Texas, and being more particularly described by notes and bounds as follows:

BEGINNING at the corner common to Sections 25, 26, 35 and 36, Block 79, Township 2, Texas and Pacific Railway Survey, El Paso County, Texas; thence North  $0^{\circ} 33' 12''$  West along the boundary line between Sections 25 and 26 a distance of 194.58 feet to a point in the northerly right of way line of the U. S. Highway 62 and 180; thence South  $81^{\circ} 15' 30''$  West along said right of way line a distance of 742.78 feet to the true Point of Beginning of the parcel being described;

THENCE South  $81^{\circ} 15' 30''$  West continuing along the northerly right of way line of the U. S. Highway 62 and 180 a distance of 742.89 feet;

THENCE North  $0^{\circ} 33' 12''$  West a distance of 544.81 feet to a point in the centerline of a 60 foot wide Road Easement;

THENCE North  $89^{\circ} 56' 44''$  East along the centerline of said Road Easement a distance of 943.1 feet;

THENCE South  $0^{\circ} 33' 12''$  East a distance of 550.27 feet to the true Point of Beginning of the parcel being described, containing 1.228 acres more or less.

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EL PASO COUNTY TEXAS  
DELIA BRIONES, COUNTY CLERK







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A portion of Section 25, Block 79, Township 2, Texas and Pacific Railway Surveys, El Paso County, Texas, and being more particularly described by notes and bounds as follows:

**BEGINNING** at the corner common to Sections 25, 26, 35 and 36, Block 79, Township 2, Texas and Pacific Railway Surveys, El Paso County, Texas; thence North  $0^{\circ} 33' 12''$  West along the boundary line between Sections 25 and 26 a distance of 194.38 feet to a point in the northerly right of way line of the U.S. Highway 62 and 180; thence South  $81^{\circ} 13' 10''$  West along said right of way line a distance of 1039.27 feet to the true Point of Beginning of the parcel being described;

**THENCE** South  $81^{\circ} 13' 10''$  West continuing along the northerly right of way line of the U.S. Highway 62 and 180 a distance of 101.03 feet;

**THENCE** North  $0^{\circ} 33' 12''$  West a distance of 580.08 feet to a point in the centerline of a 60 foot wide Road Easement;

**THENCE** North  $89^{\circ} 56' 44''$  East along the centerline of said Road Easement a distance of 100.00 feet;

**THENCE** South  $0^{\circ} 33' 12''$  East a distance of 364.81 feet to the true Point of Beginning of the parcel being described, containing 1.314 acres more or less.

N/K/A

TRAC 3-E

**EXHIBIT**

TRUE AND CORRECT COPY OF THE ORIGINAL  
EL PASO COUNTY TEXAS  
DELA BRIONES COUNTY

Doc# 2020042737  
#Pages 5 #WPages 1  
6/8/2020 9:28:31 AM  
Filed & Recorded in  
Official Records of  
El Paso County  
Delia Briones  
County Clerk  
Fees \$42.00

JA  
6

22-30074-hom Doc#40-4 Filed 03/09/22 Entered 03/09/22 13:24:46 Exhibit Pg 10 of 11

I hereby certify that this instrument was filed on the date and time stamped  
hereon by me and was duly recorded by document number in the Recording  
Division of Real Property in El Paso County.



EL PASO COUNTY, TEXAS

*Delia Briones*



TRUE AND CORRECT COPY OF THE ORIGINAL  
EL PASO COUNTY TEXAS  
*Delia Briones*  
DELIA BRIONES, COUNTY CLERK

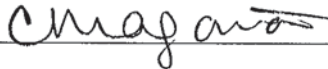
12/8/2020

El Paso, Texas



I do hereby certify that this is a true and correct copy.

DELIA BRIONES  
County Clerk of El Paso, Texas

By:   
Cassandra Magaña

Deputy